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5. Statutory Authority S.C. Code Ann. Section 58-3-140 (1976 & Supp. 2005)		

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☐ NOTICE OF GENERAL PUBLIC INTEREST☐ NOTICE OF DRAFTING☒ PROPOSED REGULATION☐ EMERGENCY REGULATION☐ FINAL REGULATION FOR GENERAL ASSEMBLY REVIEW☐ RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW☐ FINAL REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW

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5. For Additional Information, Contact Jocelyn Boyd or David Butler		6. Telephone Number 803-896-5100
7. Typed Name of Official Deputy Clerk and Senior Counsel, respectively	8. Signature of Official	9. Date January 12, 2006

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Document No. _____
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140

26 S.C. Code Ann. Regs. 103-600, *et. seq.* (1976 & Supp. 2005) Telecommunications Utilities

Preamble:

In 2004, the General Assembly passed Act. No. 175 which restructured the Public Service Commission. This Act modified the structure of the Agency and its functions and created the Office of Regulatory Staff. Several duties of the Public Service Commission were transferred to the Office of Regulatory Staff on January 1, 2005. The purpose of the revisions to 26 S.C. Code Ann. Regs. 103-600, *et. seq.* (1976 & Supp. 2005) of the Public Service Commission's regulations is to amend Article 6 to conform to the new standards set out by Act 175 of 2004. Additionally, the proposed changes to Article 6 provide clarification as to the coverage of regulations and conform regulations to existing practices.

Section-by-Section Discussion

- 103-600 This Section provides clarification as to coverage of the regulation.
- 103-601 This Section modifies the standard for waiver of regulations by providing for more flexibility.
- 103-602.3 This Section was formerly titled "Utility." This Section is now titled "Customer."
- 103-602.4 This Section was formerly titled "Customer." This Section is now titled "Interexchange Carrier."
- 103-602.5 This Section was formerly titled "Reference." This Section is now titled "ORS."
- 103-602.6 This Section was formerly titled "Standard Network Interface." This Section is now titled "PSP."
- 103-602.7 This Section was formerly titled "Interexchange Carrier." This Section is now titled "Radio Common and Cellular Carrier."
- 103-602.8 This Section was formerly titled "COCOT." This Section is now titled "Reference."
- 103-602.9 This Section was formerly titled "Radio Common and Cellular Carrier." This Section is now titled "Standard Network Interface Device."
- 103-602.10 This Section was formerly titled "900 Numbers." This Section is now titled "Telephone Utility."
- 103-602.11 This Section was formerly titled "Information Provider." This Section is now titled "Written or in Writing."
- 103-603 This Section is modified to conform regulations to recognize changes in state law and to make other clerical changes.
- 103-604 This Section provides clarification as to coverage of the regulation and recognizes existing practice of the commission.
- 103-605 This Section provides clarification as to the coverage of the regulation and sets a policy with regard to the provision of information to the Office of Regulatory Staff.
- 103-606 This Section provides clarification as to the existing practice of the commission.
- 103-610 This Section conforms the regulation to provisions of Act No. 175 of 2004.
- 103-611 This Section provides clarification as to the coverage of the regulation.
- 103-612 This Section is modified to conform to the provisions of Act No. 175 of 2004. Additionally, this Section clarifies filing requirements.

103-613 This Section is being deleted due to coverage in subsequent regulations.

103-614 This Section clarifies filing requirements regarding interruption of service and conforms the regulation to the provisions of Act No. 175 of 2004.

103-615 This Section provides clarification as to the coverage of the regulation.

103-616 This Section provides clarification as to the coverage of the regulation and conforms the regulations to provisions of Act No. 175 of 2004.

103-616.1 This Section is being deleted due to obsolescence.

103-616.2 This Section is being deleted due to obsolescence.

103-617 This Section provides clarification as to the coverage of the regulation.

103-618 This Section conforms the regulation with Act No. 175 of 2004 and deletes certain criteria from service reports.

103-619 This Section is amended to conform to Act No. 175 of 2004.

103-620 This Section is modified to conform to Act No. 175 of 2004 and modifies the methodology for transmitting information to the customer.

103-621 This Section modifies the existing criteria for the collection and refund of a deposit.

103-622 This Section is modified to conform the customer bill form to the Federal Communication Commission's "Truth in Billing Requirements." Additionally, this Section clarifies applicability of late payment charges, disconnection and reconnection, payment by check, and deferred payment plan.

103-623 This Section provides clarification regarding the applicability of regulations governing adjustment of bills.

103-624 This Section provides clarification as to coverage of the regulation.

103-625 This Section provides clarification as to coverage of the regulation and reasons for denial or discontinuance of service.

103-626 This Section is modified to eliminate interstate jurisdictional matters and provides clarification as to coverage of the regulation.

103-627 This Section is modified to provide clarification of the regulation.

103-628 This Section is modified to provide clarification regarding the processing and investigation of consumer complaints.

103-629 This Section modifies the location of telephone utilities' tariffs and regulations.

103-630 This Section is modified to provide clarification as to the coverage of the regulation.

103-631 This Section is modified to allow telephone utilities to make provisions for the publication of customers' names, addresses, and telephone numbers in directories, conforms the Section to Act No. 175 of 2004, and provides clarification as to the coverage of the regulation.

103-632 This Section is being deleted because it addresses a matter that is regulated by federal authority.

103-640 This Section is modified to provide clarification of the regulation.

103-641 This Section is modified to provide clarification of the regulation.

103-642 This Section is modified to update the acceptable reference for telephone dictionaries.

103-643 This Section is modified to provide clarification of the scope of the regulation.

103-644 This Section is modified to provide clarification of the scope of the regulation.

103-645 This Section is modified to provide clarification as to the scope of the regulation.

103-646 This Section is modified to provide clarification as to the scope of the regulation.

103-650 This Section is modified to provide clarification as to the scope of the regulation.

103-651 This Section is modified to provide clarification as to the scope of the regulation and is conformed to comply with Act No. 175 of 2004.

103-652 This Section is modified to provide clarification as to the scope of the regulation and is conformed to comply with Act No. 175 of 2004.

103-653 This Section is modified to provide clarification as to the scope of the regulation, replaces the word "complaints" with "trouble reports" and the word "complaint" with "trouble" and is conformed to comply with Act No. 175 of 2004.

103-661 This Section is modified to eliminate duplicative language and provides clarification as to the scope of the regulation.

103-662 This Section is modified to provide clarification regarding the scope of the regulation.

103-663 This Section is modified to provide clarification regarding the scope of the regulation and is modified to conform to Act No. 175 of 2004.

103-670 This Section is modified to conform to Act No. 175 of 2004.

103-671 This Section provides clarification as to the scope of the regulation.

103-672 This Section provides clarification as to the scope of the regulation.

103-680 This Section is modified to conform to Act No. 175 of 2004.

103-684 This Section is modified to conform to Act No. 175 of 2004.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2005-347-C. To be considered, comments must be received no later than 4:45 p.m. on February 28, 2006. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Public Service Commission on **March 2, 2006, at 11:00 a.m.** in the Commission's Hearing Room, 101 Executive Center Drive, Columbia, South Carolina 29210.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 26 S.C. Code Ann. Regs. 103-600, *et. seq.*

Purpose: 2004 S.C. Acts No. 175 modified the structure of the Public Service Commission and its functions and created the Office of Regulatory Staff. Several duties of the Commission Staff were transferred to the Office of Regulatory Staff on January 1, 2005. The purpose of the revisions to 26 S.C. Code Ann. Regs. 103-600, *et. seq.* (1976 & Supp. 2005) is to amend Article 6 to conform to the new standards set out by Act 175 of 2004.

Legal Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2005)

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Due to the major restructuring of the Public Service Commission and its governing statutes, the Commission regulations should be consistent with the recent revisions in Title 58 of the South Carolina Code. Some of the proposed changes to the regulations conform the regulations to existing practices and provide clarification regarding the scope of Article 6 regulations.

DETERMINATION OF COSTS AND BENEFITS:

Although costs related to amending Article 6 are minimal, the benefits include regulations that conform with Title 58 of the South Carolina Code.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The amended regulations will have no detrimental effect on the environment and public health if the regulation is not implemented.

STATEMENT OF RATIONALE:

The purpose of the revisions to 26 S.C. Code Ann. Regs. 103-600, *et. seq.* is to conform the Public Service Commission's telephone utilities regulations with Act No. 175 of 2004, and existing practices of the Commission and to provide clarification as to the scope of Article 6 regulations. There was no scientific or technical basis relied upon in the development of this regulation.

Text:

**ARTICLE 6
TELECOMMUNICATIONS UTILITIES**

SUBARTICLE 1

GENERAL

103-600. Authorization of Rules.

A. Section 58-9-810 of the Code of Laws of South Carolina, 1976, provides:

"The commission may make such rules and regulations not inconsistent with law or statute as may be proper in the exercise of its powers or for the performance of its duties under Articles 1 through 13 of this chapter all of which shall have the force of law."

In accordance with the above provisions, the Public Service Commission has adopted the following rules and regulations and fixed the following standards to govern telephone and telegraph service by telephone and telegraph utilities.

All previous rules and regulations or standards are hereby annulled, revoked and superseded.

B. The adoption of these rules shall in no way preclude the Public Service Commission from

altering, amending or revoking them in whole or part, or from requiring any other or additional service, equipment, facility or standard, either upon complaint or upon its own motion, or upon the application of any telephone or telegraph utility.

103-601. Application of Rules.

1. Jurisdiction. These rules and regulations shall apply to any person, firm, partnership, cooperative or corporation, which is now or may hereafter become engaged as a telephone utility in the business of furnishing communications service to any customer within the State of South Carolina and to the customers of such telephone utility.

2. Purpose. These rules and regulations are intended to define good practices. They are intended to insure adequate and reasonable service. The utilities shall assist the commission with the implementation of these rules and regulations.

3. Waiver of Rules. In any case where compliance with any of these rules and regulations introduces unusual difficulty or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rule or regulation may be waived by the commission upon a finding by the commission that such a waiver is not contrary to the public interest.

103-602.3. Customer

Any person, firm, association or corporation, or any agency of the Federal, State or local government, being supplied telecommunications service by a utility.

103-602.4. Interexchange Carrier.

Carrier authorized by the commission to provide services related to long distance services.

103-602.5. ORS.

Office of Regulatory Staff

103-602.6. PSP.

Payphone Service Provider.

103-602.7. Radio Common and Cellular Carrier.

A mobile telecommunications carrier licensed by the Federal Communications Commission (FCC) and authorized by the FCC to receive and transmit signals from mobile transmitter within a specified geographic area.

103-602.8. Reference.

For the purpose of these rules and regulations the reference as specified in R.103-642 will be used for the definitions of terms, abbreviations, units of measure, etc.

103-602.9. Standard Network Interface Device.

The point of demarcation between telephone company-owned facilities and customer-owned wiring and/or equipment.

103-602.10. Telephone Utility.

A telephone utility operating under the jurisdiction of the commission.

103-602.11 Written or in Writing.

Written or in writing includes, without limitation, electronic transmissions.

103-603. Authorization for Rates and Charges.

A. No schedules of rates or tariffs involving rates under the jurisdiction of the commission shall be changed until after proposed change has been approved by the commission, unless they are exempt from such approval by statute, order of the commission, or other provision of law.

B. All rates, tolls, or charges involving rates under the jurisdiction of the commission proposed to be put into effect by any telephone utility shall be first approved by the commission before they shall become effective, unless they are exempt from such approval by statute, order of the commission, or other provision of law.

C. No rate or toll charge involving rates under the jurisdiction of the commission of any telephone utility shall be deemed approved nor consented to by the mere filing of a schedule or other evidence thereof in the offices of the commission, unless otherwise provided for by law.

103-604. Territory and Certificated Area.

Each telephone utility shall provide regulated_ service only within the areas authorized by the Commission, unless exempt by commission action, order or statute.

103-605. Telephone Utility Rules and Regulations.

Each telephone utility shall adopt such rules, regulations, operating procedures, policies and instructions as may be necessary to govern all aspects of telephone service to its customers so long as those rules and regulations, operating procedures, policies and instructions are not in contradiction to rules and regulations and orders of the commission or other statutory laws.

All rules and regulations, operating procedures, policies and instructions as outlined above are subject to review by the commission. Upon request, each utility shall make a copy of such rules and regulations, operating procedures, policies and instructions available to the ORS.

103-606. Service Offerings.

Each telephone utility is authorized to offer such types, class, grades, classification and forms of service as it may deem necessary.

SUBARTICLE 2

RECORDS AND REPORTS

103-610. Location of Records and Reports.

All records required by these rules or necessary for the administration thereof, shall be kept within the State, unless otherwise authorized by the commission. These records shall be available for examination by the ORS, or its authorized representatives at all reasonable hours.

103-611. Retention of Records.

Retention of records shall be as specified in the Federal Communications Commission's Rules and Regulations, Part 42, unless otherwise directed by the commission. Further, the telephone utility shall maintain sufficient records necessary to verify and substantiate all requirements included in these rules. These records include, but are not limited to, trouble reports, service orders, itemized customer billing records, customer deposits, and complaints.

103-612. Data to be Filed with the Commission and Provided to the ORS.

The telephone utility shall file the following documents and information:

1. Annual Report. Each telephone utility operating in the State shall file an annual report with the commission and provide a copy to the ORS, giving such information as the commission may direct.

2. Current Information and Documents. The information required under this Section shall be kept current at ALL TIMES.

2.1. Tariff. Unless otherwise provided by law, each telephone utility shall file for approval with the commission and serve on the ORS a tariff with respect to all regulated services offered by the utility.

A. Each telephone utility must provide the ORS a copy of its most recent tariffs.

B. The telephone utility's tariff shall include:

a. A copy of the telephone utility's rules, terms, or conditions, describing the telephone utility's policies and practices in rendering regulated services.

b. A list of all types, grades, classifications and forms of regulated service offered.

c. The non-recurring charges, recurring charges, and the termination charges, if any, that apply to the services.

d. Definitions of all types, classes, grades, classifications, and forms of regulated service offered.

2.3. Operating Area Maps. The commission and the ORS shall maintain updated maps showing commission-approved areas and/or exchange service-area(s).

The maps, as outlined above, shall be revised whenever boundary changes are made and shall be

signed by the proper officials and filed for approval with the commission.

2.4. Authorized Telephone Utility Representative. Each telephone utility shall maintain with the commission and furnish a copy to the ORS, the name, title, address, and telephone number of the persons who should be contacted in connection with:

- a. General Management Duties
- b. Customer Relations (Complaints)
- c. Engineering Operations
- d. Test and Repairs
- e. Emergencies during non-office hours

103-614. Interruption of Service.

Each telephone utility shall keep a record of any condition resulting in any interruption of service affecting its entire system or major division of a telephone exchange, including a statement of the time, duration, cause of any such interruption, and steps taken to correct the interruption. The utility shall report electronically to ORS any information required to be reported to the FCC regarding outages. This information should be submitted as soon as practicable, and a copy of any written report submitted to any Federal jurisdictional entity shall also be submitted to the ORS.

103-615. Accidents.

Each telephone utility shall maintain adequate and accurate records of each accident happening in connection with the operation of its property, facilities, or service wherein any person shall have been killed or whereby any serious property damage shall have been caused.

103-616. Complaints Received from the ORS.

Each telephone utility shall keep a record of all complaints received from the ORS. This record shall show the name and address of the complainant, the date, the nature of the complaint, and the adjustment or disposal thereof.

103-617. Tests.

Each telephone utility shall keep a record of all tests procedures which are performed as a result of these rules, unless otherwise directed by the commission.

103-618. Service Reports.

Each telephone utility shall provide the following service reports to the ORS on a quarterly basis within thirty (30) days of the end of each calendar quarter.

A. Trouble reports per hundred access lines:

The report shall contain the total number of actual customer trouble reports received per hundred access lines for the telephone utility's regulated operations.

B. Customer out of service trouble clearing times:

The report shall contain the percentage number of out of service reports cleared within twenty four (24) hours, excluding weekends and holidays.

103-619. Held Applications/Availability of Service.

The following information shall be provided to the ORS on a quarterly basis within thirty (30) days of the end of each calendar quarter. Reported information which indicates that the commission's specified objectives have not been met shall be accompanied by explanation. Reports shall show results by wire center, central office, exchange or maintenance group. This information shall be reported as a percentage of work order activity characterized as follows:

- a. The number of applications for new service held over thirty (30) days.
- b. The number of applications for regrade held over thirty (30) days.
- c. The total number of access lines.
- d. The percentage of service orders for installations and re-installations completed within five (5) working days.
- e. Commitments fulfilled.

SUBARTICLE 3

CUSTOMER RELATIONS

103-620. Customer Information.

Each telephone utility shall:

- a. Maintain up-to-date maps, plans, or records of its entire system, with other information as may be necessary to enable the telephone utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers within its operating area.
- b. If required by law and so directed by the commission, notify each customer affected in writing, of any proposed changes in rates and charges. The form of such notification shall be prescribed by the commission. A certification that the above notice requirement has been met shall be furnished to the commission and served on the ORS by the telephone utility.
- c. Furnish to a customer, upon request, information as to the telephone utility's billing procedures.
- d. Provide adequate means whereby each customer can contact repair service at all hours.
- e. Notify its customers making a complaint that the telephone utility is under the jurisdiction of the commission, and that its customers may, if necessary, seek assistance from ORS regarding the utility's regulated operations or file a formal complaint with the commission regarding an

unresolved dispute involving the utility's regulated operations.

103-621. Customer Deposits.

A. Each telephone utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for regulated service, if any of the following conditions exist:

1. The customer has had two 30-day arrearages in the past 24 months, or the customer has been sent two or more late payment notices in the past 9 months; or
2. A new customer cannot furnish either an acceptable co-signer or guarantor who is a customer of the utility within the State of South Carolina to guarantee payment, or
3. The customer's gross monthly billing increases; or
4. A customer has had his service terminated by any telephone utility for non-payment or fraudulent use.
5. The utility determines, through use of commercially acceptable methods, that the customer's credit and financial condition so warrants.

B. Each telephone utility shall inform affected prospective customers of the provisions contained in R. 103-621-(A).

C. A utility is not required to install new service to a customer prior to the utility's receipt of any deposit that is required of that customer.

103-621.1. Deposit Receipt.

Each utility shall maintain records of each deposit it receives from a customer and shall provide means whereby a customer may establish a claim regarding his deposit.

103-621.3. Interest on Deposits.

A. Simple interest on deposits at the rate not less than that as prescribed by the commission shall be paid by the telephone utility to each customer required to make such deposit for the time it is held by the telephone utility.

B. The interest shall be accrued annually and payment of such interest shall be made to the customer at least every two (2) years and at the time the deposit is returned.

C. The deposit shall cease to draw interest on the date it is returned, the date service is terminated, or on the date notice is sent to the customer's last known address that the deposit is no longer required.

103-621.4. Deposit Records.

Each telephone utility shall keep records to show:

- a. The name and address of each depositor

- b. The amount and date of the deposit
- c. The last transaction concerning the deposits
- d. The reasons why deposit retained after two year retention period (See R. 103-621.5)

103-621.5. Deposit Retention.

Deposits shall be refunded completely with interest after two years unless the customer has had two 30-day arrearages in the past 24 months, or has had service denied or interrupted for non-payment of bills, or has been sent more than two late payment notices in the past 9 months, or has a returned check in the past 6 months.

103-621.6. Unclaimed Deposits.

A record of each unclaimed deposit must be maintained for at least two years, during which time the telephone utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be treated in accordance with law.

103-621.7. Deposit Credit.

Where a customer has been required to make a deposit, that deposit shall not relieve the customer of the obligation to pay the service bill when due, but where such deposit has been made and service has been disconnected because of nonpayment of account, then unless the customer shall, within seventy-two hours after service has been disconnected, apply for reconnection of service and pay the account, the account may be discontinued. If the telephone utility discontinues the account, the telephone utility shall apply the deposit of such customer toward the discharge of such account and shall refund to the customer any excess.

103-622.1. Bill Forms.

Each telephone utility's bill must comply with the Federal Communication Commission's "Truth in Billing Requirements" that are in effect at the time the utility's bill is prepared.

103-622.2. Late Payment Charges.

A maximum of one and one half percent (1 1/2 %) may be added to any unpaid balance brought forward from the previous billing date to cover the cost of collection and carrying accounts in arrears. This method of late payment charge will be made in lieu of any other penalty.

103-622.3. Disconnection and Reconnection.

Whenever regulated telephone service is denied or discontinued for any appropriate reason, the telephone utility may make an approved tariffed charge for cost incurred in disconnecting or discontinuing the regulated telephone service and reconnecting it after restoration and may require payment for service not previously billed.

103-622.4. Payment by Check.

The telephone utility, at its option for good cause, may refuse to accept a check tendered as payment on a customer's account.

103-622.5. Deferred Payment Plan.

The telephone utility may provide for the arrangement of a deferred payment plan to enable a residential customer to make payment by installments where such customer is unable to pay the amount due for service. The deferred payment plan may require the affected customer to maintain his account current and pay not less than 1/6 of the outstanding balance for a period not to exceed six months. The outstanding balance may include the late payment charge authorized by R. 103-622.2. A deferred payment plan is any agreement to defer a payment to the next billing cycle.

103-623. Adjustment of Bills.

If it is found that a telephone utility has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered by such telephone utility than that prescribed in the schedules of such telephone utility applicable thereto then filed in the manner provided in Title 58 of the South Carolina Code of Laws, or if it is found that any customer has received or accepted any service from a telephone utility for a compensation greater or lesser than prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as provided by the following:

103-623.1. Customer Willfully Overcharged.

If the telephone utility has willfully overcharged any customer, the telephone utility shall refund the difference, plus interest, as prescribed by the commission, for the period of time that can be determined that the customer was overcharged.

103-623.2. Customer Inadvertently Overcharged.

If the telephone utility has inadvertently overcharged a customer as a result of a misapplied schedule or any other human or machine error, the telephone utility shall, for any amount of one dollar (\$1.00) or more (amounts less than \$1.00 will be credited to account) at the customer's option, credit, or refund the excess amount paid by that customer or credit the amount billed as provided by the following:

- a. If the interval during which the customer was overcharged can be determined, then the telephone utility shall credit or refund the excess amount charged during the interval, provided that the applicable statute of limitations shall not be exceeded.
- b. If the interval during which the customer was overcharged cannot be determined, then the telephone utility shall credit or refund the excess amount charged during the 12-month period preceding the date when the error was discovered.
- c. If the exact amount of the overcharge incurred by the customer during the billing periods subject to adjustment cannot be determined, then the credit or refund shall be based on an appropriate estimated amount of excess payment.

103-623.3. Customer Undercharged Due to Willfully Misleading Company.

If the telephone utility has undercharged any customer as a result of a fraudulent or willfully

misleading action of that customer, or any action by any person (other than the employees or agents of the telephone utility), such as tampering with the facilities, when it is evident that such tampering or bypassing occurred during the residency of that customer, or if it is evident that a customer has knowledge of being undercharged without notifying the telephone utility as such, then the telephone utility shall recover the deficient amount provided as follows:

- a. If the interval during which the customer was undercharged can be determined, then the telephone utility shall collect the deficient amount incurred during the entire interval, provided the applicable statute of limitations is not exceeded.
- b. If the interval during which the customer was undercharged cannot be determined, then the telephone utility shall collect the deficient amount incurred during the 12-month period preceding the date when the billing error was discovered by the telephone utility.

103-623.4. Customer Undercharged Due to Human or Machine Error.

If the telephone utility has undercharged any customer as a result of a misapplied schedule, or any human or machine error then the telephone utility may recover the deficient amount as follows:

- a. If the interval during which a customer was undercharged can be determined, then the telephone utility may collect the deficient amount incurred during the entire interval up to a maximum period of six months.
- b. If the interval during which a customer was undercharged cannot be determined, then the telephone utility may collect the deficient amount incurred during the six month period preceding the date when the billing error was discovered by the telephone utility.
- c. The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills devoid of late charges, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.

103-624. Applications for Regulated Service.

103-624.2. Obligation.

The applicant shall, at the option of the telephone utility, be required to sign a service agreement or a contract. In the absence of such service agreement or contract, the accepted application shall constitute a contract between the telephone utility and the applicant, obligating the applicant to pay for service in accordance with the telephone utility's tariff currently on file with the commission, and to comply with the commission's and the telephone utility's rules and regulations.

103-625. Reasons for Denial or Discontinuance of Service.

Service may be refused or discontinued for any of the reasons listed below, for any reason set forth in the utility's tariffs, or for any reason set forth in the utility's individual contracts for services. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued.

- a. Without notice, in the event of a condition determined by the telephone utility to be hazardous or dangerous.

- b. Without notice, in the event of customer use of equipment in such a manner as to adversely affect the telephone utility's service to others.
- c. Without notice, in the event of unauthorized use of telephone service.
- d. For the customer tampering with equipment furnished and owned by the telephone utility.
- e. For violation of and/or non-compliance with the commission's Orders or regulations governing service supplied by the telephone utilities.
- f. For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the commission.
- g. For failure of the customer to permit the telephone utility reasonable access to its equipment.
- h. In cases involving abnormal and excessive use of toll service, service may be denied two (2) days after written notice is given to the customer, unless satisfactory arrangements for payment are made.
- i. For failure of the customer to provide the telephone utility with a deposit as authorized by 103-621(1).
- j. For failure of the customer to furnish permits, certificates, and/or right-of-ways, as necessary to obtain service, or in the event such permissions are withdrawn or terminated.
- k. Where there is probable cause to believe that there is illegal or willful misuse of telephone utility's service.
- l. No telephone utility shall be required to furnish its service or to continue its service to any applicant who, at the time of such application, is indebted under an undisputed bill to such telephone utility for telephone service previously furnished such applicant or furnished any other member of the applicant's household. However, for the purposes of this regulation, the telephone utility may not consider any indebtedness which was incurred by the applicant or any member of his household more than six (6) years prior to the time of application.
- m. For non-payment of that portion of the bill rendered by the telephone utility for telephone service billed for another telephone utility.
- n. Without notice, in the event of a PSP violation of a commission Order of which the PSP has been notified and has failed to correct the violation within the amount of time specified in such notification.

103-626. Insufficient Reasons for Denying Service.

The following shall not constitute cause for refusal of service to a present or prospective customer:

- a. Non-payment for services by a previous occupant of the premises to be served, unless such previous occupant shall benefit from such new service or unless the new occupant benefited from such old service.

- b. Failure to pay for merchandise purchased from the telephone utility.
- c. Failure to pay for any non-regulated equipment or services provided by the utility.
- d. Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residential service or vice versa.

103-627. Rights of Access.

The authorized agents of the telephone utility shall have the right of access to the premises supplied with telephone service, at reasonable hours, for the purpose of maintenance, removal and inspection or for any other purpose which is proper and necessary in the conduct of the telephone utility's business.

103-628. Complaints.

A. Complaints concerning the charges, practices, facilities, or service of the telephone utility shall be investigated promptly and thoroughly by the telephone utility. The telephone utility shall keep such records of customer complaints as will enable it to review and analyze its procedures and actions.

B. The telephone utility, except in cases of high toll usage, and when given at least four hours notice shall not terminate service to a complainant until an answer to the complaint is conveyed to the ORS. A written or oral response is allowable for complaints that the telephone utility wishes to dispose of immediately. The use of an oral response does not preclude supplying the ORS with a written response to written complaints.

C. The ORS shall promptly and thoroughly investigate complaints concerning the charges, practices, facilities, or service of the utility. Each utility shall respond to the complaint conveyed to the utility by the ORS in a timely and thorough manner. This time period shall not exceed ten (10) days from the day the complaint is received by the utility, except that the ORS may give the company additional time to respond upon request and for good cause shown.

103-629. Tariffs, Rules and Regulations.

A copy of the telephone utility's tariffs as filed with the commission and provided to the ORS shall be available for inspection by the public.

103-630. System Which Telephone Utility Must Maintain.

Each telephone utility, unless specifically relieved in any case by the commission from such obligation, shall operate and maintain in safe, efficient and proper conditions, all of the facilities and instrumentalities used in connection with the furnishing of telephone service excluding customer provided equipment.

103-631. Directories.

Telephone directories shall be published at regular intervals, listing the name, address, and telephone numbers of all customers, except public telephone and telephone service unlisted at customer's request.

A. The telephone utility shall list its customers with at least one provider of directory assistance services or with its own directory assistance operators to provide the requested telephone numbers based on the customer's name and address when such requests are made by communication users, except public telephones and telephone service unlisted at customer's request.

B. Upon issuance, of the directory in which its customers' listings appear, each utility is responsible for distributing a copy of each directory to all customers served by that directory and a copy of each directory shall be furnished to the commission.

C. The name of the telephone utility, an indication of the area included in the directory and the month and year of issuance shall appear on the front cover. The utility shall take appropriate measures to have information pertaining to emergency calls such as for the police and fire departments appear conspicuously in the front pages of the directory, and have a copy of such directory provided without charge to the agency located within the telephone utility's certificated area. Also, in the front portion of the directory shall appear the address and telephone number of the Public Service Commission and the Office of Regulatory Staff.

D. The utility shall take appropriate measures to have the directory in which its customers' listings appear contain instructions concerning placing of long distance calls, calls to repair and directory assistance services, and calls for the establishment and maintenance of service.

E. At least one directory assistance provider used by the utility or the utility's own directory assistance operators shall have access to records of all telephone numbers in the area for which they are responsible for furnishing directory assistance service except telephone numbers not published at customer's request.

F. Each telephone utility shall make every effort to list its customers with at least one directory assistance provider used by the utility or the utility's own directory assistance operators as necessary for the directory assistance operators to provide the requested telephone numbers based on customer names and service locations to minimize "not found" numbers where the address is different from the address normally associated with an exchange directory.

G. In the event of an error in the listed numbers of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In such event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the directory assistance provider used by the utility, or the utility's own directory assistance operators. The correct number shall be furnished to the calling party either upon request or interception.

H. Whenever any customer's telephone number is changed after a directory is published, the telephone utility shall intercept all calls to the former number for a reasonable period of time, and give the calling party the new number provided existing central office equipment will permit, and the customer so desires.

I. When additions or changes in plant or changes to any other telephone utility operations necessitates changing telephone numbers to a group of customers, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

J. Approval must be obtained from the commission prior to a reduction in the size of print in the alphabetical section of the directory.

SUBARTICLE 4

ENGINEERING

103-640. Requirements for Good Engineering Practice.

The plant of each telephone utility shall be constructed, installed, maintained, and operated in accordance with accepted good engineering practices and regulations, included by reference as part of these rules as far as possible. Continuity of service, uniformity in quality of service furnished, and the safety of persons and property shall be maintained.

103-641. Acceptable Standards.

Unless otherwise specified by the commission, each telephone utility shall use the applicable provision in the publication listed below as standards of accepted good practices:

- a. Latest edition of The National Electrical Safety Code.

103-642. Acceptable References.

Newton's Telecom Dictionary as published by CMP Books.

103-643. Adequacy of Service.

The capacity of the telephone utility's plant shall be sufficiently large to meet all reasonably expected requests for service. See R. 103-663(1). Where new construction is required, reasonable allowance will be made for construction and activation of new facilities.

103-644. Inspection of Plant.

A. Each telephone utility shall adopt a program of inspection of its plant in order to determine the necessity for replacement and repair. The frequency of various inspections shall be based on the telephone utility's experience and accepted good practice. Each utility shall keep sufficient records to give evidence of compliance with its inspection programs as set forth in R. 103-640 through -654 of these rules and regulations.

B. Each telephone utility shall maintain its plant, equipment, and other facilities at all times in a reasonably adequate and serviceable condition consistent with the commission's Rules and accepted industry standards.

C. The telephone equipment, apparatus and lines furnished by the telephone utility shall remain the property of the telephone utility, and no instrument, appliance or device of any kind not furnished by the telephone utility shall be attached to or in any way used in connection with such telephone equipment, apparatus, and lines, either directly or indirectly, by induction or otherwise, except in accordance with the guidelines contained in Part 68 of the Federal Communications Commission's Rules and Regulations. In the event any instrument, apparatus, or device of any kind other than that furnished by the telephone utility, or as excepted above, is attached to or connected with any part of its properties, the telephone utility shall have the right to remove such

instrument, apparatus, or device in accordance with the applicable law.

103-645. Hazardous Locations.

Explosive Atmospheres and Other Hazardous Locations. No telephone utility shall be required to install or maintain any of its apparatus or equipment in explosive atmospheres, or at outdoor or other locations which, in its judgment, are not suitable for the location of its service and facilities.

103-646. Emergency Operation.

A. Telephone utilities shall make reasonable provisions to meet emergencies resulting from failures of lighting or power services, unusual and prolonged increases in traffic, illness of personnel, or from fire, storm, or other acts of God and inform its employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telephone service.

B. Each central office shall contain as a minimum two hours of battery reserve. All central offices shall make adequate provisions for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected within the period of the battery reserve and can maintain the office for an extended period of time.

C. In exchanges exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

SUBARTICLE 5

INSPECTION AND TESTS

103-650. Telephone Utility Inspection and Test.

A. Each telephone utility shall adopt a program of periodic tests, inspections, and preventive maintenance aimed at achieving efficient operation of its system and the rendition of safe, adequate and continuous service.

B. Each telephone utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities provided by the telephone utility both for routine maintenance and for trouble location. The actual transmission performance of each telephone network shall be monitored in order to determine if the established objectives and operating requirements are met. This monitoring function shall consist of circuit order tests prior to placing trunks in service, routine periodic trunk tests, periodic noise tests of a sample of customer loops in each exchange, and special transmission surveys of the telephone network.

103-651. ORS Inspection and Test.

When inspections, audits, or examinations are conducted by the ORS, its staff or its representatives, to ensure or determine if the provision of these rules herein contained are being adhered to, each telephone utility shall assist with such test as requested provided such request is in accordance with all legal requirements and sanctions.

103-652. Testing Facilities.

A. Each telephone utility shall, unless specifically excused by the commission, provide such instruments and other equipment and facilities as may be necessary to make the tests required of it by these rules or other orders of the commission or as requested by the ORS. The apparatus and equipment so provided shall be available at all times for inspection by any member or authorized representative of the ORS.

B. Each telephone utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as is herewith provided, as requested by the ORS, or as may be approved or ordered by the commission.

103-653. Trouble Reports.

A. Each telephone utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all trouble reports. Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the trouble, and the date and time of trouble clearance or other disposition. This record shall be available to the ORS or its authorized representatives upon request at any time within the period prescribed for retention of such records.

B. Provisions shall be made to clear all trouble of any emergency nature at all hours, consistent with the needs of customers and the personal safety of telephone utility personnel.

C. Provisions shall be made to normally clear all other out-of-service troubles not requiring unusual repair, such as cable failures, within 24 hours of the report received by the telephone utility excluding Sundays and holidays unless the customer agrees to another arrangement.

D. Provisions shall be made to keep all commitments to customers. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

SUBARTICLE 6

STANDARDS AND QUALITY OF SERVICE

103-661. Interruptions of Service.

A. Each telephone utility shall make reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be reestablished within the shortest time practicable, consistent with safety.

B. Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded by adequate notice to those who will be affected.

103-662. Restrictions on Use of Service.

Each telephone utility may impose reasonable restrictions on the use of telephone service during periods of excessive demand or other difficulty which jeopardizes the quality of service to any group of customers.

103-663.2. Equipment Requirements.

A. The central office and interoffice trunk equipment shall be maintained so as to meet the following standards during an average business day (8:00 AM to 5:00 PM):

Failure rate on intraoffice calls--1.5%

Failure rate on interoffice calls--3%

The failure rate for interoffice calls applies to EAS and multioffice trunking calls but not to toll calls.

B. The central office and interoffice trunk standards are the objectives to be used by the ORS staff when testing. The telephone utilities are not required to perform tests or maintain records of these items.

103-663.3. Subscriber Loop-Transmission Objectives.

The following standards are objectives to be used by the ORS staff during testing at the subscriber's station protector. Acceptable measurements are:

DC Line Current: greater than 20 mA

Circuit Loss: less than 8.5 db

Circuit Noise: less than 20 dBrnC

Power Influence: less than 90 dBrnC

Balance greater than 60 dB

(Where Balance (dB) = Power Influence - Circuit Noise)

103-663.6. Customer Trouble Reports.

A. Service by each telephone utility shall be such that the number of customer trouble reports per 100 total access lines in service per month shall not exceed the following:

EXCHANGE/REPORTING GROUP

SIZE OBJECTIVE

OVER 7,500 ACCESS LINES 5.0

UNDER 7,500 ACCESS LINES 7.0

Unusual situations caused by storms, unavoidable casualties or other conditions causing an excess number of reports should be explained in the trouble report.

B. A customer trouble report is any oral or written notice received by the telephone utility (other than problems detected by the telephone utility's internal diagnostics) indicating difficulty or dissatisfaction with the performance, physical condition, location or appearance of the utility's

regulated telephone plant or equipment.

103-663.7. Customer Out of Service Trouble Clearing Time.

Provisions shall be made to normally clear all out of service troubles within twenty-four hours of the reported time to the telephone utility, excluding weekends and holidays, unless the customer agrees to another arrangement. The out of service trouble clearing time objectives for telephone utilities is 85% within 24 hours.

SUBARTICLE 7

SAFETY

103-670. Acceptable Standards.

As criteria of accepted good safety practice the commission will use the applicable provisions of the standard listed in R.103-641.

103-671. Protective Measures.

Each telephone utility shall exercise reasonable care to reduce the hazards to which its employees, its customers and the general public may be subjected.

103-672. Safety Program.

Each telephone utility shall adopt and execute a safety program fitted to the size and type of its operation.

SUBARTICLE 8

TELECOMMUNICATION RELAY SERVICE ADVISORY COMMITTEE

103-680. Role of the Advisory Committee.

The Telecommunication Relay Service Advisory Committee shall monitor the establishment, administration, and promotion of the telecommunications relay service, and advise the commission on ways the service may be enhanced to better meet the communication needs of the hearing and speech impaired.

103-684. Commission Approval.

1. The commission anticipates that the TRS Advisory Committee shall make all decisions which are necessary to perform its functions as specified in R. 103-680. However, the commission retains its right to review and approve the decisions of the TRS Advisory Committee.
2. The Commission Staff or the ORS Staff, TRS Advisory Committee members, or any other committee members, may require that committee recommendations be approved by the commission.
3. The commission must approve any and all proposed expenditures from the operating fund.